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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,033	12/21/2001	Shigeru Kaneko	7217/66063	5308

7590 10/05/2004  
COOPER & DUNHAM LLP  
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New York, NY 10036

EXAMINER

LE, NHAN T

ART UNIT	PAPER NUMBER
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2685

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DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/028,033

Applicant(s)

KANEKO, SHIGERU

Examiner

Nhan T Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Owaki (US 6,195,538).

As to claim 1, Owaki teaches a receiver comprising: a receiving unit (see fig. 1, number 10, col. 5, lines 38-50) for receiving a broadcast in which additional information is multiplexed with main information including one of audio information and video information; a memory (see fig. 1, number 22, 23, col. 6, lines 1-14) for storing the additional information; and a control unit (see fig. 1, number 20, col. 5, lines 63-67, col. 6, lines 1-14) for storing the additional information received by the receiving unit in the memory during reception of the broadcast.

As to claim 2, Owaki teaches the receiver further comprising operation means (see fig. 1, number 32, col. 6, lines 36-44) for capturing the additional information into the memory, wherein the control unit stores the additional information in the memory when the operation means is operated and the additional information is received by the receiving unit.

As to claim 3, Owaki teaches the receiver further comprising a display (see fig. 1, number 50, col. 6, lines 44-51) for displaying the additional information; and operation means (see fig. 1, number 32, col. 6, lines 36-43) for capturing the additional information into the memory, wherein the control unit displays the additional information received by the receiving unit on the display and stores the additional information in the memory (see fig. 1, number 33, col. 36-43) when the operation means is operated while the additional information is being displayed.

As to claim 4, Owaki teaches the receiver wherein the additional information includes text information that is separable on an item-by-item basis (see fig. 5a, col. 6, lines 44-51) and the control unit stores the received additional information in the memory in an item-by-item data structure (see col. 6, lines 51-59).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owaki (US 6,195,538) in view of Migliaccio et al (US 6,161,002).

As to claim 5, Owaki teaches the receiver wherein the control unit stored in the memory using a specified item of the text information as a key. Owaki fails to teach the control unit sort the data stored in the memory unit based on additional RDS signals. Migliaccio teaches the control unit sort the data stored in the memory unit based on

additional RDS signals (see col. 7, lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Migliaccio into the system of Owaki in order to provide users with a speed up searching process.

As to claim 6, the combination of Owaki and Migliaccio teaches the receiver further comprising a display (see Owaki fig. 1, number 50, col. 6, lines 44-51) for displaying the additional information, wherein the control unit (see Migliaccio col. 7, lines 1-15) sorts the additional information using a specified item of the text information as a key before displaying the additional information on the display.

As to claim 7, the combination of Owaki and Migliaccio teaches the receiver wherein the control unit displays one set of the additional information stored in the memory on the display item by item (see Owaki fig. 1, number 50, col. 6, lines 44-51) and sorts the additional information stored in the memory using an item of the additional information selected by a user as the key before displaying the additional information on the display (see Migliaccio col. 7, lines 1-15).

3. Claims 8-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owaki (US 6,195,538) in view of Morewitz (US 5,457,815).

As to claim 8, Owaki fails to teach the receiver wherein the control unit sequentially searches additional information of programs currently being broadcast using text information selected by a user from the additional information stored in the memory as search data and detects a program that includes the search data in additional information of the detected program. Morewitz teaches the receiver wherein

the control unit sequentially searches additional information of programs currently being broadcast using text information selected by a user from the additional information stored in the memory as search data and detects a program that includes the search data in additional information of the detected program (see col. 4, lines 20-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Morewitz into the system of Owaki so that users can search for their favorite program in the short period of time.

As to claims, 9, 10, 13, 14, the combination of Owaki and Morewitz further teaches the receiver wherein the control unit tunes in to a program detected first (see Morewitz col. 5, lines 31-36); wherein when the program that includes the search data in the additional information is detected the control unit notifies the user of the detection and tunes into the detected program in accordance with a selecting operation by the user (see Morewitz col. 4, lines 51-63).

As to claims 11, 15, the combination of Owaki and Morewitz teaches the receiver further comprising a display (see Morewitz fig. 1, number 124, col. 3, lines 43-51) for displaying the detected program, wherein the control unit displays the detected program simultaneously on the display and when the user selects the displayed program the control unit tunes in to the selected program (see Morewitz col. 3, lines 43-51).

As to claim 12, the combination of Owaki and Morewitz teaches the receiver comprising a display (see Owaki fig. 1, number 50, col. 6, lines 44-51) for displaying the additional information, wherein the additional information includes text information that is separable on an item-by-item basis, and the control unit (see Owaki fig. 1, number 20,

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col. 5, lines 63-67, col. 6, lines 1-14) displays one set of the additional information stored in the memory on the display item by item, sequentially searching the additional information of programs currently being broadcast using text information of one of the displayed items selected by a user as search data; and detects a program that includes the search data in the additional information of the detected program (see col. 4, lines 20-52).

As to claim 16, the combination of Owaki and Morewitz teaches the receiver wherein the control unit sequentially searches the additional information of programs to be broadcast using text information selected by a user from the additional information stored in the memory as search data and detects a program that includes the search data in the additional information of the detected program (see Morewitz col. 5, lines 36-col. 6, lines 8).

As to claims 17, 20, the combination of Owaki and Morewitz teaches the receiver wherein the control unit tunes in to a program detected first (see Morewitz col. 5, lines 31-36).

As to claims 18, 21, the combination of Owaki and Morewitz teaches the receiver wherein when the program that includes the search data in the additional information is detected the control unit notifies the user of the detection and tunes in to the program in accordance with a selecting operation by the user (see Morewitz col. 5, lines 31-36).

As to claim 19, the combination of Owaki and Morewitz teaches the receiver further comprising a display (see Owaki fig. 1, number 50, col. 6, lines 44-51) for displaying the additional information, wherein the additional information includes text

information that is separable on an item-by-item basis; and the control unit (see Owaki fig. 1, number 20, col. 5, lines 63-67, col. 6, lines 1-14) displays one set of the additional information stored in the memory on said display item by item, sequentially searching the additional information of programs to be broadcast using text information of an item selected by a user from displayed items as search data, and detects a program that includes the search data in the additional information of the detected program (see Morewitz col. 5, lines 36- col. 6, lines 8).

As to claim 22, Owaki teaches a method of program searching, comprising the steps of: a control unit of a receiver (see fig. 1, number 20, col. 5, lines 39-67, col. 6, lines 1-14) for receiving a broadcast in which additional information is multiplexed with main information including one of audio information and video information (col. 5, lines 51-62). Owaki fails to teach instructing data for a search to control unit and determining in the control unit whether the search data is included in one of the additional information of programs currently being broadcast and programs to be broadcast; and one of tuning to and notifying of detection of a program when the search data is included in the additional information of the program. Morewitz teaches instructing data for a search to control unit and determining in the control unit whether the search data is included in one of the additional information of programs currently being broadcast and programs to be broadcast; and one of tuning to (col. 4, lines 21-52) and notifying of detection of a program when the search data is included in the additional information of the program (see col. 5, lines 52-67, col. 5, lines 14-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide



the teaching of Morewitz into the system of Owaki so that users can search for their favorite program in the short period of time.

As to claim 23, the combination of Owaki and Morewitz teaches the method wherein the additional information includes text information that is separable on an item-by-item basis and text information of an item selected by a user from the additional information displayed item by item is instructed to the control unit as the search data (see Owaki col. 6, lines 51-59).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eguchi et al (US 6,266,519) teaches receiver.

Miyake (US 6,038,434) teaches method of and apparatus for receiving and displaying RDS data.

Ruhl et al (US 6,173,165) teaches receiver for RDS-TMC broadcast messages including storage device for storing control data under code.

Okamoto (US 6,697,631) teaches receiver for receiving broadcast signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N. Le

Nhan Le

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9-30-2004

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